HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 27004 of 1996

Between

Dasari Bijli Kumari ..Petitioner

AND

The University of Health Sciences represented by its Registrar and others ..Respondents

:: JUDGMENT ::

2.3.2007

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

Writ Petition No. 27004 of 1996

This writ petition is filed seeking the following substantive relief:

"Under the above facts and circumstances, the petitioner herein prays that this Hon'ble Court may be

pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondents in passing the impugned order in Ref.UHS/88/S.III/96 dated 18.11.1996 against the petitioner refusing to regularize the service of petitioner as Typist on the ground that the petitioner has not completed of five years of service by 25.11.1993 and also working without a sanctioned vacancy and the petitioner do not have requisite qualification as per G.O.Ms.No.212 F & P (FW.PC.III) dated 22.4.1994 as illegal, arbitrary and consequently direct the respondents to regularize the service of the petitioner as Typist or in any suitable post as per the G.Os. existence and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The counsel on both sides represent that a similar issue had fallen for consideration before this Court in Writ Petition No.25298 of 1996. In the judgment rendered on 1.2.2007, this Court had concluded the issue in the following terms:

"The Division Bench of this Court in P.Venkata Kumari (2001 (3) ALT 366 (DB) held that G.O.Ms. No.212 dated 22.4.1994 held the field till Act 27 of 1998 came into force and, since the interpretation placed by this Court, that for the purpose of getting their services regularized, employees were not required to have five years service as on 25.11.1993, was upheld by this Court, compliance with the requirement of G.O.Ms.No.212 subject to the interpretation of this Court was mandatory.

While, Sri M.Subba Reddy, learned counsel for the petitioner would claim relief in accordance with the order of the Division Bench in P.Venkata Kumar (supra), Sri D.V.Nagarjuna Babu learned Standing Counsel would submit that an appeal has been preferred before the Supreme Court against the judgment of the Division Bench and that matter is still pending before the

Supreme Court. The judgment of the Division Bench in P.Venkata Kumari (supra) is binding on this court and would continue to bind till it is set aside in appeal by the Supreme Court. The writ petition is therefore disposed of in accordance with and in terms of the Division Bench judgment of this Court in P.Venkata Kumari (supra).

Since, I am in respectful agreement with the view taken by this Court in Writ Petition No.25298 of 1996, I dispose of this writ petition in terms of the relief as was granted in the said writ petition. No costs.

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NOOTY RAMA MOHANA RAO.J.

2.3.2007
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